

### § 503.37

deemed by the petitioner to be sufficient to support the granting of this exemption);

(3) Environmental impact analysis, as required under § 503.13 of these regulations; and

(4) Fuels search, as required under § 503.14 of these regulations.

[46 FR 59903, Dec. 7, 1981; 46 FR 63033, Dec. 30, 1981, as amended at 54 FR 52895, Dec. 22, 1989]

### § 503.37 Cogeneration.

The following table may be used to determine eligibility for a permanent exemption based on oil and natural gas savings.

AVERAGE ANNUAL UTILIZATION OF OIL AND NATURAL GAS FOR ELECTRICITY GENERATION BY STATE

[BTU's per KWHR sold]

State name	Oil/gas savings Btu/kWh
Alabama .....	33
Arizona .....	802
Arkansas .....	1,363
California .....	3,502
Colorado .....	289
Connecticut .....	3,924
Delaware .....	3,478
Washington, DC. ....	895
Florida .....	3,177
Georgia .....	45
Idaho .....	0
Illinois .....	250
Indiana .....	53
Iowa .....	147
Kansas .....	686
Kentucky .....	34
Louisiana .....	4,189
Maine .....	2,560
Maryland .....	895
Massachusetts .....	5,250
Michigan .....	256
Minnesota .....	151
Mississippi .....	1,519
Missouri .....	57
Montana .....	60
Nebraska .....	139
Nevada .....	761
New Hampshire .....	2,695
New Jersey .....	1,894
New Mexico .....	1,528
New York .....	4,219
North Carolina .....	49
North Dakota .....	47
Ohio .....	36
Oklahoma .....	5,180
Oregon .....	0
Pennsylvania .....	771
Rhode Island .....	1,800
South Carolina .....	24
South Dakota .....	36
Tennessee .....	20
Texas .....	4,899
Utah .....	107
Vermont .....	105

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AVERAGE ANNUAL UTILIZATION OF OIL AND NATURAL GAS FOR ELECTRICITY GENERATION BY STATE—Continued

[BTU's per KWHR sold]

State name	Oil/gas savings Btu/kWh
Virginia .....	460
Washington .....	3
West Virginia .....	126
Wisconsin .....	72
Wyoming .....	75

Data are based upon 1987 oil, natural gas and electricity statistics published by DOE's Energy Information Administration.

*Example:* The proposed cogeneration project is to be located in Massachusetts and is to use distillate oil. It will have a capacity of 50 MW, an average annual heat rate of 7600 BTU/KWHR, and be operated at a capacity factor of 90%. The annual fuel consumption is therefore calculated to be  $2,996 \times 10^9$  Btu/yr.  $(50,000 \text{ KW} \times 7600 \text{ BTU/KWHR} \times .9 \times 8760 \text{ HR/YR})$  The oil and gas backed off the grid would be calculated to be  $.2070 \times 10^9$  BTU/YR.  $(50,000 \text{ KW} \times 5250 \text{ BTU/KWHR} \times .9 \times 8760 \text{ HR/YR})$  since the proposed unit would consume more oil that would be "backed off" the grid, the unit would not be eligible for a permanent exemption based on savings of oil and natural gas.

[54 FR 52895, Dec. 22, 1989]

### § 503.38 Permanent exemption for certain fuel mixtures containing natural gas or petroleum.

(a) *Eligibility.* Section 212(d) of the Act provides for a permanent exemption for certain fuel mixtures. To qualify a petitioner must certify that:

(1) The petitioner proposes to use a mixture of natural gas or petroleum and an alternate fuel as a primary energy source;

(2) The amount of petroleum or natural gas proposed to be used in the mixture will not exceed the minimum percentage of the total annual Btu heat input of the primary energy sources needed to maintain operational reliability of the unit consistent with maintaining a reasonable level of fuel efficiency; and

(3) No alternate power supply exists, as required under § 503.8 of these regulations.

(b) *Evidence required in support of a petition.* The petition must include the following evidence in order to make